

Caltrans Native American Advisory Committee Meeting Minutes

August 3, 2000 @ Jackson Rancheria

Acting Chair Dave Nenna called the meeting of the Native American Advisory Committee to order at 9:15 A.M. The following members were in attendance: Dore Bietz, Harold Dixon, Randolph Feliz, Everett Freeman, Ted Sanchez for Earl Green, Chip Aguilar for Benjamin Magante, Vlayn McCovey, Dave Nenna, Lorenda Sanchez, Jack Biondini for Duane Sherman and Kathy Wallace. The following members were absent: Mary Ann Andreas, Bo Mazzetti, Jack Musick, Joseph Myers, Albert Phoenix, Ben Scerato and Randy Sunberg, Jr.

Representing Caltrans were: Lorn ElkRobe, Michelle Gallagher, Cynthia Gomez, Robert McKay, Karen Nissen, Joan Sollenberger and Dara Wheeler. The following visitors were also in attendance: Carol Bill, Andrew Campbell, Teresa Dixon, Sharon Fallis, Lois Lockhart, Meivourneen Loring, Joe Loya, Judy Madden, Martin Martinez, Gerrie McKay, Kanu Patel, Michael Racho, Harriett Rhoades and Joseph Silvas.

The Acting Chair called for visiting tribal representatives to come to the table if their representatives were not present. Mr. Freeman gave the opening prayer. Ms. Sollenberger took roll call. A motion was made and the agenda for the meeting was adopted. The minutes from the June 8, 2000 meeting were reviewed and adopted as amended. The amendments included the misspelling of Vlayn McCovey and Lorn ElkRobe.

The Acting Chair thanked everyone who attended the AISEC conference. Tribal representatives should share new information with their tribes and educate their members. This is one way the tribes will be better equipped to tap into federal money.

New Business

Joan Sollenberger, Program Manager, Transportation Planning Program

Ms. Sollenberger announced the departure of Robert McKay. He will be leaving the Transportation Planning Program for the Equipment Shop. The entire Committee thanked Mr. McKay for his dedication and service.

Caltrans has received the draft regulations for statewide planning and is in the process of reviewing them. As soon as the regulations have been interpreted, work will begin on figuring out how to implement them. There are several items in the regulations that will affect the tribes. Caltrans will make sure Committee members receive the regulations for commenting. It is important that the tribes comment in order to formulate a consolidated California position. If and when the tribes comment, it is important for Caltrans to receive suggested or proposed language.

Ben Scerato, Bo Mazzetti, Cynthia Gomez, Brian Smith and Joan Sollenberger met with Director Jeff Morales on July 31, 2000. The new director was briefed on the Native American status and issues within Caltrans. He was pleased to hear Caltrans is actively working with the tribes. Mr. Mazzetti specifically asked the Director for support in assisting tribes in achieving transportation goals and wanted to know what the tribes could do to help. The Committee would like to meet with the Director at or around one of the future meetings. The Director agreed this would be very beneficial to all parties.

Tribal procurement of surplus Caltrans equipment was also discussed. The tribes would like to buy/rent/lease the surplus equipment for tribal transportation projects. Caltrans is currently in the process of preparing acquisition procedures and should have them ready within a month. Once the procedures are finalized, tribes will be able to obtain equipment through interagency agreements.

Question - Bob McKay: Can tribes provide input into the procedures? Where do tribes rank on the priority list?

Answer: Caltrans will review the procedure comments provided by internal staff and then consider the tribes input. If the procedures need to be changed in order to be fairer to the tribes, then it will do so.

Question - Kathy Wallace: Can the same procedures apply to surplus computer equipment?

Answer: Caltrans will look into it. There is a policy on the donation of surplus computer equipment.

The Native American Policy Statement will be presented to the Director soon. Ms. Gomez added that the most important element to come out of the meeting with the Director was his commitment to meet with the Committee's officers quarterly to discuss issues. They also talked about protecting cultural resources and providing training for the tribes.

Vlayn McCovey, Yurok Tribe

Ms. McCovey reported the highlights of the TEA 21 Negotiated Rule Making Committee. A copy of the federal highways proposed rule-making status on transportation planning appeared in the Federal Register. It is very important for tribes to comment because rule making impacts how they are directed to work with the states on transportation issues. The sub committee of tribal caucuses has developed TEA 21 comments. These comments will be forwarded to Caltrans and the Bureau of Indian Affairs (BIA) staff for review.

Mr. Patel has a diskette outlining the federal funding work and will make copies for those who are interested. There are currently three separate proposals being considered. The discussions need to continue in order to get a clearer idea of what is going to work for

California. The process is in its winding down stage and that is why it is so important for California representatives to attend and provide input.

The BIA will reimburse primary and alternative committee members who choose to attend the event. For more information regarding the reimbursement, contact Mr. Patel directly. Mr. Nenna would like all tribes to receive this information. Ms. Gomez added that the California Transportation Commission (CTC) supports California tribes receiving more money and even did an analysis on the subject. Tribes were encouraged to contact their legislators and seek congressional support. California tribes should want to see the process of negotiated rule making continue. There is currently no active representation from Southern California tribes on the Negotiated Rule Making Committee. It would be nice to have someone with a strong funding background and will know what will work for the California tribes. The next meeting is August 14-18th in Minneapolis.

Question - Ms. Gomez: Should tribes submit their nominations to Ms. McCovey or make testimony to the committee?

Answer: Written testimony to the committee and ask for it to be read into the record is the best way to go with that.

Question - Mr. McKay: The NAAC should consider Ron Andrade from Southern California to be added to the Committee.

Answer: Any nominations or suggestions should be made directly to Ron Jager or Kanu Patel. Mr. Jager has the ability to name replacements or make alternates for the alternates.

Robert McKay, Transportation Planning Program

Mr. McKay spoke briefly about the direction he would like to see the Committee continue. The development of the Caltrans Indian Desk will provide a vital role in the dissemination of information. Tribes should have more involvement with their respective regional transportation planning agencies (RTPAs) because that is where they will find the money.

Mr. McKay indicated that he has been a member of the Intertribal Transportation Association (ITA) for a number of years. He requested that the Committee recommend to Director Morales that he continue representing NAAC at ITA.

Mr. McKay also represents the NAAC on the Transportation Resource Board (TRB). The TRB is a national board and his representation as the American Indian advisor will allow him to continue to gather information and be a part of the California voice. The TRB is in a reorganizing stage heading towards a policy making board. A written recommendation to Director Morales from the NAAC would help him out.

Old Business

Joan Sollenberger, Program Manager, Transportation Planning Program

Ms. Sollenberger reported on development progress of the Reservation Transportation Authority (RTA). Caltrans is working with the RTA group to hire a Senior Transportation Planner. The planner will work with the group in Southern California to develop a plan focused on supporting the group in Southern California. Ms. Gomez, Bo Mazzetti, the Executive Director for RTA, and Dick Doyle from District 8 will be sitting on the interview panel within the next couple of weeks. The position will be based out of the RTA office in Temecula.

Lorn ElkRobe, Civil Rights Program

Mr. ElkRobe reported on the TERO/Business and Training update. A copy of the American Indian Policy Statement was distributed and discussed. The Policy Statement was reviewed by the Caltrans legal department. Legal has suggested alternative language for consideration by the NAAC. The NAAC will work together to refine the proposed language. A copy of an e-mail from legal was also distributed. Mr. Loya stated that the federal highways policy doesn't include anything about Caltrans tribal participation.

Mr. ElkRobe asked for suggestions on language. He will take any suggestions and coordinate them into a revised policy. Suggestions should be submitted to Mr. ElkRobe as soon as possible. The new policy language was discussed. It was suggested that it read something like, "Caltrans recognizes the tribes self governance powers to implement employment of their tribal government."

Ms. Sollenberger reiterated that suggestions should be submitted to Caltrans (via Mr. ElkRobe) and that we will continue to work with legal. It was suggested that the legal and TERO background that Joe Myers has would make him an excellent candidate to work on rewording the policy. The Committee agreed that Mr. Myers should be included on the policy writing team. The new Caltrans Deputy Director of Planning, Brian Smith, will support and help get the policy through Caltrans.

Mr. Loya emphasized the Native American Policy Statement that the Committee adopts will likely be copied by other state agencies (i.e. the Attorney General's Office). Because of this, it was recommended that the word "jurisdiction" be taken out of the policy. Ms. Gomez stated it would help if this type of policy statement was approved or supported by the Director and distributed to the District Directors so that there was a written policy statement to point to. This will provide direction to Caltrans staff when working on Native American issues within the Department.

Caltrans Reports**Cynthia Gomez, Transportation Planning Program**

The Tribal Handbook is a work in progress. Once the handbook is close to completion, it will be sent internally to a few people for comments and then sent to the Committee for review. The report has grown substantially because of comments and suggestions. If you have any recommendations for a cover design, contact her immediately.

Letters were sent to the tribes asking for comments on the Transportation Planning Regulations. It was stressed that the tribes should comment on what they like or dislike and suggest alternative language. Once both of these items have been finalized and approved, they will be posted on the Caltrans Native American web page (www.dot.ca.gov/hq/tpp/Offices/ORIP/NatAmer/).

Karen Nissen, Environmental Enhancement Branch

Ms. Nissen will be representing Caltrans at a conference entitled "Working Together: Sustaining Our Communities and Our Resources". She will also be attending the Modern Native America: Building Successful Communities conference August 16-18 in Flagstaff, Arizona. At the conference she will be presenting a paper entitled, "Building Bridges of Communication to Cooperation: The California Department of Transportation's Work with California Tribal Governments and Organizations". The Peace and Dignity Journeys 2000 run through California was a success. She also described her duties as the Central Regions Native American Liaison.

Announcements/Open Forum

Ms. Bietz will continue to work with tribes educating them on issues. The environmental issues are taking months and the environmental documents are elevating from Environmental Assessments (EA's) into Environmental Impact Statements. She will be attending a meeting hosted by NIGC on NEPA Compliance in Sacramento, August 10-11 at the Holiday Inn. Registration forms were available. Tribal representation at the meeting was encouraged.

September 11-12 there will be a Western Governor's Association Inter-tribal state conference in Sacramento.

Mr. Feliz made a motion to keep Mr. McKay as a representative on the two committees he wishes to continue to serve on. The motion was seconded and passed unanimously.

Mr. McKay distributed tokens of appreciation to Committee members and thanked everyone for their support.

Follow up items

- Ms. Sollenberger asked if there was any interest in having a Caltrans GIS demonstration.
- Mr. Feliz requested a copy of the project study document and comments on the US 101 project. Tribes feel the need to comment on burial sites as well as the economic development.
- Proposed language for the American Indian Policy Statement · Acquisition procedures for tribal procurement (policy)/rental/leasing of Caltrans equipment and computers.
- A letter to the Director suggesting Mr. McKay remain an active member of ITA and TRB representing NAAC

- Director Morales commitment to meeting with NAAC

A motion was made to adjourn the meeting at 12:45 P.M.